

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

CURTIS LEE LINDSEY

§

VS.

§

CIVIL ACTION NO. 1:07cv724

JOHN B. FOX

§

MEMORANDUM ORDER REGARDING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Petitioner Curtis Lee Lindsey, an inmate confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends the above-styled petition be dismissed.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties nor would any be meritorious. Petitioner's claim does not satisfy the actual innocence requirement for § 2241 claims. *See Griffin v. Hogsten*, 2007 WL 3314406 (3rd. Cir. Nov. 9, 2007) (unpublished); *Reyes-Requena v. United States*, 243 F.3d 893 (5th Cir. 2001).

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

So **ORDERED** and **SIGNED** this **8** day of **August, 2008**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge